

LABEL IN PART: (Pkg.) "Judson's Chewy Praline Net Weight 1 Oz. or over
Ingredients:—Natural and Artificial Flavors. Judson's Candies, Inc. San Antonio, Texas."

RESULTS OF INVESTIGATION: The article was caramel colored candy wrapped in cellophane in such a manner that the manufacturer's name and place of business, net weight and ingredients statement, and declaration of artificial flavoring were concealed in the folds of the wrapper and were not readable until the candy was unwrapped.

LIBELED: 9-12-62, W. Dist. Okla.

CHARGE: 403(f)—when shipped, the information required to appear on the label under 403(e) (1) and (2), 403(i) (2), and 403(k), namely, the manufacturer's name and place of business, an accurate statement of the quantity of contents, the common or usual name of each ingredient, and the declaration of artificial flavoring, was not prominently placed on the label with such conspicuousness as to render it likely to be read by the ordinary individual under customary conditions of purchase and use.

DISPOSITION: 9-20-62. Consent—delivered to a charitable institution.

28633. Spearmint leaves (candy). (F.D.C. No. 47255. S. No. 12-082 T.)

QUANTITY: 51 cases, 24 1-lb. bags each, at Milwaukee, Wis.

SHIPPED: Between 3-13-62 and 3-20-62, from Chicago, Ill., by Wolch Nut & Candy Co.

LABEL IN PART: (Bag) "Wolchs * * * Spearmint Leaves * * * Wolch Nut & Candy Co., Chicago, Ill."

RESULTS OF INVESTIGATION: Examination showed that the article consisted of leaf-shaped pieces of candy packed in clear plastic bags. The distributor's name and address and the statement of ingredients were inconspicuous due to being printed in a green ink similar in color to the candy within the bag.

LIBELED: 3-21-62, E. Dist. Wis.; libel amended 4-3-62.

CHARGE: 403(f)—when shipped, the information required by 403(e) (1) and (i) (2), namely, the name and place of business of the manufacturer, packer, or distributor, and the statement of ingredients, was not prominently placed on the labels with such conspicuousness (as compared with other words and statements on the labels) as to render such information likely to be read by the ordinary individual under customary conditions of purchase and use.

DISPOSITION: 5-3-62; decree amended 5-7-62. Default—delivered to a charitable institution.

28634. Butterscotch chips (candy). (F.D.C. No. 48299. S. No. 33-381 V.)

QUANTITY: 300 cases, 24 bags each, at Newport, Minn., in possession of J. P. Fritz Candy Co., Inc.

SHIPPED: 8-9-62, from Milwaukee, Wis.

LABEL IN PART: (Bag) "Net wt. 6 oz. Butterscotch chips Packed by J. P. Fritz Candy Co., Inc., Newport, Minn. Ingredients * * * Sweet Cream Butter, Milk Solids, * * * Emulsifier."

RESULTS OF INVESTIGATION: The article was repacked by the dealer, from bulk stock labeled in part "Imitation Butterscotch Flavored Cookie Drops Ingredients: Sweet Cream Buttermilk Solids * * * Artificial Flavor, Lecithin * * *," and shipped as described above.

LIBELED: 10-4-62, Dist. Minn.

CHARGE: 403(a)—while held for sale, the name "Butterscotch chips" and the label statement "Sweet Cream Butter" were false and misleading as applied to a product containing little or no butter; and 403(i) (2)—the label failed to state the common or usual name of each ingredient, since emulsifier and milk solids are not the common or usual names of ingredients, and since the presence of dried buttermilk was not declared.

DISPOSITION: 11-21-62. Consent—claimed by J. P. Fritz Candy Co., Inc.; repacked and relabeled.

28635. Marshmallows. (F.D.C. No. 47933. S. Nos. 33-593 T, 70-721 T.)

QUANTITY: 97 cases, 24 10½-oz. pkgs. each, 75 cases, 24 10-oz. pkgs. each, and 120 cases, 12 1-lb. pkgs. each, at St. Cloud, Minn.

SHIPPED: 6-11-62 and 7-3-62, from Elk Grove, Ill., by Doumak, Inc.

LABEL IN PART: (Pkg.) "Pleasmor Miniature Marshmallows [or "Pleasmor Marshmallows"] * * * Distributed by Nash-Finch Company, Minneapolis, Minnesota Ingredients * * * Waxy Maize Stabilizer * * * Artificial Flavors, U.S. Certified Food Colors."

RESULTS OF INVESTIGATION: The article was white marshmallows contained in clear plastic bags, on which the manufacturer's name and address, quantity of contents statement on the 10-oz. and 10½-oz. packages, and the statement of ingredients were printed in white ink, and the statement of ingredients was printed in very small type, which information was thereby inconspicuous against the white product in the background.

LIBELED: 8-6-62, Dist. Minn.

CHARGE: 403(f)—when shipped, the information required under 403 (e) (1), (e) (2), (i) (2), and (k), to appear on the label, namely, the manufacturer's name and place of business, the quantity of the contents of the 10-oz. and the 10½-oz. packages, statement of ingredients, and declaration of artificial flavor, was not prominently placed on the label with such conspicuousness (as compared with other words and statements on the label) as to render it likely to be read by the ordinary individual under customary conditions of purchase and use; and 403(i) (2)—the label of the article failed to bear the common or usual name of each ingredient since the term "waxy maize stabilizer," was not the common or usual name of any ingredient.

DISPOSITION: 9-25-62. Consent—claimed by Nash-Finch Co., and relabeled.

28636. Marshmallows. (F.D.C. No. 47698. S. No. 61-985 T.)

QUANTITY: 46 ctns., 12 bags each, at Hartford, Conn.

SHIPPED: 6-4-62, from Cambridge, Mass., by Greylock Confectionery Co.

LABEL IN PART: (Bag) "Good Pal Marshmallows Net Weight 14 Ounces
Ingredient: * * * Greylock Confectionery Co., Cambridge, Mass."

RESULTS OF INVESTIGATION: The name and address of the manufacturer, quantity of contents and ingredient statements, were inconspicuous due to being printed in white ink against the white marshmallows in the background.

LIBELED: 7-24-62, Dist. Conn.

CHARGE: 403(f)—when shipped, the information required by 403 (e) (1),